UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:24-cv-00096-MR-SCR

CEDRIC CALDWELL,)
Plaintiff,)
vs.))) <u>ORDER</u>
FNU CARROLL, et al.,)
Defendants.))

THIS MATTER is before the Court on Plaintiff's recent letter directed to Chief United States District Judge Martin Reidinger. [Doc. 13].

Pro se Plaintiff Cedric Caldwell ("Plaintiff") is a prisoner of the State of North Carolina currently incarcerated at Alexander Correctional Institution in Taylorsville, North Carolina. On April 4, 2024, Plaintiff filed this action pursuant to 42 U.S.C. § 1983. [Doc. 1]. Plaintiff's First Amendment and Eighth Amendment claims passed initial review in accordance with the Court's Order. [Doc. 8]. In its initial review Order, the Court advised Plaintiff that it has no authority to review or grant Plaintiff's clemency petition he alleges he filed with the Juvenile Review Board. [Id. at 3-4, n.5].

Now before the Court is a letter from the Plaintiff directed to Chief Judge Reidinger. [Doc. 13]. In the letter, Plaintiff purports to update the Court on the status of his clemency proceedings, which relate to his state court conviction. [See id.]. This letter is not relevant and will be stricken from the docket in this matter. As Plaintiff was advised in the Standing Order of Instructions in this matter, all documents filed in this case must include a case number at the top of the first page.

[See 4/5/2024 Docket Entry]. Also, "[1] etters sent to the Clerk of Court or Judge will not be

answered. Only Motions will be ruled on by the Court." [Id. at ¶¶ 4-5]. Moreover, the substance

of the letter is not relevant to the instant proceedings. As Plaintiff was advised, this Court has no

authority to grant Plaintiff clemency or to otherwise order that Plaintiff be released from state

prison. Plaintiff's state clemency proceedings have no bearing on or relationship to his pending

§ 1983 case in federal court.

Plaintiff is cautioned that if he files further improper letters or other improper filings

in this matter, they may be summarily stricken.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiff's letter [Doc. 13] is hereby STRICKEN

from the record in this matter.

IT IS SO ORDERED.

Signed: May 13, 2024

Susan C. Rodriguez

Rading United States Magistrate Judge